



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: April 24, 2019

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WSR 19-10-033

Agency: Department of Social and Health Services, Economic Services Administration

Subject of possible rule making: The DSHS Division of Child Support (DCS) is planning to amend WAC 388-14A-5400 and other related rules as may be required in order to clarify that the *Debt Adjustment Notice* process described in that section applies not only to court orders for child support, but to any child support order. WAC 388-14A-5400 is entitled: **How does the division of child support tell the custodial parent when DCS adjusts the amount of debt owed on the case?**.

The *Debt Adjustment Notice* process is used to provide notice to a custodial parent (CP) that DCS has reduced the amount of support debt on a case if that reduction was due to specific reasons listed in the rule; this notice gives the CP a right to hearing if the CP objects to the debt adjustment. Those reasons are: (1) A mathematical error in the debt calculation; (2) A typographical error in the stated debt; (3) Proof that DCS should have suspended the support obligation for all or part of the time period involved in the calculation; or (4) Proof that the noncustodial parent (NCP) made payments that DCS had not previously credited against the support debt.

The current rule provides that this process is used for adjustment of debt owed under a court order for child support, but DCS uses this process for any child support order. Occasionally, an administrative law judge will dismiss a hearing based on a *Debt Adjustment Notice* based on the reduction of debt under an administrative child support order. Such a technical reading has a due process impact and DCS is amending the rule to ensure that all custodial parents have the same right to notice and a hearing when DCS reduces the support debt on a case.

Statutes authorizing the agency to adopt rules on this subject: RCW 26.23.030(3), RCW 26.23.110(14), RCW 74.08.090, RCW 74.20.040

Reasons why rules on this subject may be needed and what they might accomplish: The current version of WAC 388-14A-5400, which deals with the *Debt Adjustment Notice* process, refers specifically to debt owed under court orders for child support. DCS is amending the rule to clarify that the *Debt Adjustment Notice* process can be used for any child support order. This will ensure that due process will be provided and all custodial parents are entitled to notice and a hearing when DCS reduces the support debt on a case.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study

☒ Other (describe) DCS engages in modified collaborative rulemaking. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) Headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS Economic Services Administration's Policy Review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. Rulemaking forms and draft rules may also be found on the DSHS Filings and Rules page at <https://www.dshs.wa.gov/sesa/rpau/filings-and-rulings>

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule-making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

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Name:

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Address:

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Email:

Web site:

Other:

Additional comments:

Date: April 24, 2019

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

A handwritten signature in blue ink, reading "Katherine I. Vasquez", with a long, sweeping flourish extending to the right.